

Patents

Serial No.: 10/766,129

Response Dated July 8, 2008

Response to Final Office Action of February 6, 2008

Page 6 of 9

REMARKS

On June 2, 2008, an in-person interview was conducted between Examiner Thjuan K. Addy and undersigned counsel for Applicant. Applicant and the undersigned thank the Examiner for the courtesies extended by the Examiner during the interview and for the continued careful examination of the instant application.

In accordance with MPEP § 713.04, Applicant hereby makes of record the substance of the June 2, 2008 interview as follows:

1. With respect to claims 1-8, Applicant argued that the U.S. Patent No. 7,177,415 issued to *Kim et al.* (hereinafter "Kim") does not describe the routing of a telephone call through a packet switched data network. Applicant argued that Kim describes a dialer for a traditional telephone that also interfaces with an electronic telephone book and that Kim does not describe a method for connecting a telephone call using VoIP or any other method of Internet telephony. Applicant proposed to amend claim 1 as made of record in this paper to clarify that the telephone call in question is routed through a packet switched data network. Examiner did not object to the entry of the proposed amendment to claim 1.

2. The Examiner considered Applicant's arguments with respect to Claims 1-8, including the amendment to Claim 1, and pointed out that Kim at col.1,ln.66-67 to col. 2, ln. 1-2, states that "Another object of the present invention is to provide a telephone number searching method for searching for a telephone number and then automatically dialing the searched for number through the internet." (emphasis added).

Patents

Serial No.: 10/766,129

Response Dated July 8, 2008

Response to Final Office Action of February 6, 2008

Page 7 of 9

3. Applicant considered the Examiner's argument and stated that it is unclear from the quoted language whether the term "through the internet" applies to only the "searching" aspect of the invention described in Kim or also the "dialing" aspect. Applicant further pointed out that even if it was a stated object of Kim to describe a method for dialing a telephone call through the internet, the Kim specification does not describe such a method. Applicant pointed out that particular language in Kim specifically states that in order to connect a telephone call using the method described in Kim, the user must disconnect from the internet. (See Kim at col. 4, ln. 25-32). Applicant argued that this language is a clear indication that the method described in Kim does not route telephone calls through the Internet and instead relies on a standard telephone line.

4. The Examiner acknowledged Applicant's argument and indicated that she would need to consult with her Supervisor Patent Examiner before deciding whether the rejection to Claims 1-8 had been overcome by the Applicant's argument and proposed amendment.

5. With respect to claims 9-15, Applicant argued that Kim does not describe a method for parsing the plain (i.e. unmarked) text of a web page to automatically recognize a telephone number string and generate a URI hyperlink which, when selected, can route a call through a packet switched data network. Applicant proposed to amend claims 9 and 14 as made of record in this paper to clarify this aspect of Applicant's invention. Examiner did not object to the entry of the proposed amendment to claims 9 and 14.

6. Applicant specifically addressed the Examiner's contention in the Final Office Action that Kim's mention of a "dialto" link does not constitute disclosure of a method for parsing plain-text web pages to automatically recognize a telephone number and generation of a URI for placing a call using a packet switched data network.

Patents

Serial No.: 10/766,129

Response Dated July 8, 2008

Response to Final Office Action of February 6, 2008

Page 8 of 9

7. The Examiner considered Applicant's arguments with respect to Claims 9-15, including the amendment to claims 9 and 14, and concluded unequivocally that the rejection to claims 9-15 had been overcome. Hence, unambiguous agreement was reached between Examiner and Applicant that claims 9-15, as amended herein, are allowable.¹

By this paper, Applicant amends claims 1, 9 and 14 as discussed during the June 2, 2008 interview and respectfully submits that the amendments herein, when entered, place claims 1-15 in a condition for allowance and requests that such action be taken by the Examiner at this time.. Alternatively, Applicant believes that the amendments herein place claims 1-15 in better form for appeal and respectfully requests that the amendments be entered even if all claims are not deemed by the Examiner to be in condition for allowance. Should a further interview be deemed appropriate to assist the Examiner's evaluation of this application, a telephone call to the undersigned at (305) 448-7089 is respectfully solicited.

¹ Inexplicably, on June 4, 2008, after receiving a draft copy of the interview summary enclosed with this response, Examiner withdrew her agreement as to claims 9-14 stating the following:

[Examiner and Supervisor Patent Examiner Ahmad Matar] also took a further look at claims 9 and 14, and feel that according to Kim, these claims may also not be allowable. SPE Matar, indicated that according to col. 1-2, lines 66-2, along with col. 3, lines 9-24, the "link" which is selected by the user and is described by "dialto", may be enough to read on the limitations of claims 9 and 14, and if not rejected under a 102 rejection, then definitely under a 103 rejection.

I apologize for the change in the indication(s) of claims 9 and 14, however, please feel free to contact me via telephone or email if you have any further concerns or questions before submitting an After-Final Amendment.

No further reasoning was provided by the Examiner for the sudden and inexplicable reversal from the agreement reached at the in-person interview. Although the Examiner's informal communication alludes to the possibility of a rejection under 35 U.S.C. § 103, no such rejection has ever been made either verbally or on the record.

JUL. 8. 2008 3:58PM

LOTT&FRIEDLAND

NO. 0451 P. 12

Patents

Serial No.: 10/766,129

Response Dated July 8, 2008

Response to Final Office Action of February 6, 2008

Page 9 of 9

Dated: July 8, 2008

By: 

Ury Fischer

USPTO Reg. No. 46,167

LOTT & FRIEDLAND, P.A.

One East Broward Blvd., Suite 1609

Fort Lauderdale, FL 33301

Telephone: (305) 448-7089